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Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Reports of States parties due in 2006

Cambodia *

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Acronyms

CAMinfo	Cambodia Information
CCWC	Commune Committees for Women and Children
CDAF	Council for Demobilization of Armed Forces
CNCC	Cambodia National Council for Children
COSECAM	Coalition to Address Child Exploitation in Cambodia
CP-MIS	Child Protection Monitoring Information System
CRC	Convention on the Rights of the Child
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
ILO/IPEC	International Labour Organization/International Programme on the Elimination of Child Labour
IOM	International Organization for Migration
MoSVY	Ministry of Social Affairs, Veteran and Youth Rehabilitation
MoWA	Ministry of Women's Affairs
NIS	National Institute of Statistics
RCAF	Royal Cambodian Armed Forces
UNIAP	United Nations Inter-agency Project on Human Trafficking
UNITAR	United Nations Institute for Training and Research
WFFC	World Fit for Children

Introduction

1. The Kingdom of Cambodia had a population of 13,395,682 in 2008 (6,879,628 females and 6,516,054 males). Of the total population, there are 5,487,708 children below the age of 18 and the average annual population growth rate is 1.54 percent. The population density in the entire country is 75 per square kilometre. The total fertility rate per woman was 3.1 children in 2008. From 2000 to 2008, infant mortality rate declined from 95 to 60 per 1,000 live births, and the maternal mortality ratio declined from 472 to 461 per 100,000 live births.[1]

2. Since 1993, the Gross Domestic Product has grown four times, from 2.4 billion dollars to 10.3 billion dollars in 2008. During this period, the average income of each person has been tripled from 229 dollars to 739 dollars. Poverty rate has declined from 50 percent in 1993 to 25.8 percent in 2010.[2]

3. After more than two decades of civil war, the Kingdom of Cambodia re-established its own legal and judicial systems from scratch. The Royal Government of Cambodia has a high commitment to promote the rights of the child by improving the child survival and development environment, strengthening child welfare and increasing a strong protective environment for the child. A lot of activities have been implemented simultaneously such as the creation and strengthening of policy, legal framework and mechanisms. Besides relevant specialized ministries and institutions, several special mechanisms were established to ensure that children fully enjoy their rights. These mechanisms include the Cambodian National Council for Children (CNCC), the Commune/Sangkat Committees for Women and Children (CCWC), the Inter-disciplinary Working Group on Orphans and Vulnerable Children, the Inter-ministerial Working Group for Child Justice, and the NGO Working Group for Child Justice, etc. These mechanisms exist from the national and provincial/capital levels down to the commune/Sangkat levels where children live.

4. The Kingdom of Cambodia ratified the Convention on the Rights of the Child on 15 October 1992 and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 21 February 2002. This document is the First and Second Report that details the implementation of the Optional Protocol between 2002 and 2010.

5. The 1993 Constitution of the Kingdom of Cambodia recognizes and respects human rights as stipulated in the Charter of the United Nations, the Universal Declaration of Human Rights, and the conventions and covenants related to human rights, women's rights and children's rights. The state protects the rights of children as stipulated in the Convention on the Rights of the Child, particularly the rights to life, education, protection during wartime, and protection from economic or sexual exploitation. The inclusion of the Convention on the Rights of the Child into the Constitution made the Convention's status equal to national laws, and guarantees all rights provided in the general principles of the Convention on the Rights of the Child that include non-discrimination, best interest of the child, the right to life, survival and development and the respect of child views, all as legal obligations under the laws of the Kingdom of Cambodia.

6. According to the Law on Compulsory Military Service promulgated by Royal Decree No. NS/RKM/1206/030 dated 22 December 2006 and the Law on the General Statutes for Military Personnel of the Royal Cambodian Armed Forces (RCAF)

[1] General Population Census of Cambodia 2008.

[2] National Strategy for Social Support to the Poor and Vulnerable People (2011-2015).

promulgated by Royal Decree CS/RKM/1197/05 dated 06 November 1997, only a person from 18 to 30 year of age is obliged to fulfil military obligation, and the military contractual-service is applied only to a Khmer national who reaches the age of 18.

7. Over the past few years, the situation of children and women has made significant progress towards the Cambodia's Millennium Development Goals. Progress has been made in the decentralization of power to local levels to better response to the needs of the local citizens. Overall primary school enrolment rates have improved substantially and gender disparity in figures has declined as well. In the school year 2009-2010, the overall net primary school enrolment of children of both sexes was 94.8 percent.

I. General measures for implementation

8. The Cambodian National Council for Children has created a working group to prepare a report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, comprising representatives from the Ministry of Social Affairs, Veteran's Affairs and Youth Rehabilitation; the Ministry of Justice; the Secretariat of the Cambodian National Council for Children; the Ministry of Tourism; the Cambodian Human Rights Committee; the Ministry of National Defence; the Ministry of Interior; the Ministry of Women's Affairs; the Ministry of Labour and Vocational Training; the Ministry of Planning; the Ministry of Education, Youth and Sports; the Ministry of Health; the Council of Jurists; representatives of the United Nations Children's Fund (UNICEF), the United Nations Inter-agency Project on Human Trafficking, the NGO Committee for Children's Rights, ECPAT, COSECAM and Cambodia Acts. This group has allowed other national and international NGOs to participate and give comments on the report. The Cambodian National Council for Children has submitted this report to a consultation with children from 16 provinces/cities in a National Child Forum held on 15 November 2010, and to relevant ministries, institutions and NGOs in a National Consultation Workshop held on 23 December 2010. Children's views were seriously considered in the development of this report.

9. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict is considered as part of the law of Cambodia. The Constitutional Council of the Kingdom of Cambodia recognizes Cambodia's obligations under international conventions related to children's rights. The Constitutional Council has issued the Decision No. 092/003/2007 dated 10 July 2007 which states that international laws recognized by the Kingdom of Cambodia, especially the Convention on the Rights of the Child, are considered as part of Cambodian law.

10. The Kingdom of Cambodia has ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict without reservation.

11. It was only under the Democratic Kampuchea (the Pol Pot regime) that recruitment of child soldiers was heard in general. At the present, there is no other armed force than the Royal Armed Forces and the National Police Forces of the Royal Government of Cambodia, among which there is no child soldier or child policeman.

12. Only Khmer citizens from 18 to 30 year of age have a legal obligation to serve the army. Therefore, there is no available data on the number of children below 18 year of age who were voluntarily recruited to serve the national armed forces and on the number of demobilized and integrated children nor data on the number of children who have suffered from practices prohibited by the protocol on refugees and asylum seekers.

13. The Ministries and institutions responsible for implementing the Optional Protocol and coordinating the efforts made with civil society organizations, including mass media and educational establishments, include the Ministry of National Defence which is the major institution with regard to armed conflicts; the Ministry of Education, Youth and Sports; the Ministry of Interior and the Cambodian National Council for Children.

14. The Royal Government of Cambodia has disseminated this Optional Protocol and relevant instruments on human rights to the Royal Cambodian Armed Forces and the public. As for training, there has been no systematic training on this Optional Protocol, but there were training courses on children's rights and international human rights law for military personnel. The Optional Protocol was published and incorporated into collection of documents relating to children's rights. This Optional Protocol was also disseminated to participants to workshops and trainings of law enforcement officers. The demining team serving as peacekeepers abroad as well as the military trainers have been trained on major international treaties on human rights and humanitarian laws, such as:

- The Geneva Conventions of 1949 and Additional Protocols to those conventions;
- The Convention on the Rights of the Child 1989 and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
- The ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour 1999; and
- The Rome Statute of the International Criminal Court.

15. The Khmer texts of Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict are posted on the website which can be accessed by the general public.

16. After the Kingdom of Cambodia has enjoyed full peace following the Paris Peace Agreement in October 1991 and the 1993 general election, there has been no child recruited to voluntarily serve the national armed forces. Until now, there has been no child victim who suffered from practices prohibited by the Optional Protocol on refugees and asylum seekers.

17. The Cambodian Human Rights Committee is an institution of the Royal Government tasked with duties to protect, promote and develop human rights in Cambodia in accordance with the Constitution of Cambodia. The duties, inter alia, include:

- Protect, promote and develop human rights and democracy in Cambodia and monitor all human rights violations and complaints;
- Investigate cases or assess the investigation carried out by the competent authorities, or cooperate and conduct the search with the competent authorities, and document and disseminate the findings to the public, the Prime Minister and the competent court;
- Conduct monitoring visits in local areas to make the assessment and give advice on human rights;
- Conduct public dissemination and education to each target;
- Make comments and propose requests to the Royal Government about the situation of human rights for improvement in compliance with the constitution, the national laws and international conventions;
- Cooperate with the Cambodian National Council for Children and the Ministry of Women's Affairs that are responsible for children's rights and women's rights;

- Help the Royal Government promote the rule of law and provide training for legal professionals;
- Support and cooperate with civil society organizations for protecting and developing human rights sector in Cambodia.

18. There have been no remarkable difficulties and factors that hinder the implementation of the Optional Protocol in the Kingdom of Cambodia.

II. Prevention (arts. 1, 2, 4 (2 (a)) and 6 (2))

19. Laws and major normative rules relating to armed forces adopted and promulgated include:

1. Article 49 of the 1993 Constitution of the Kingdom of Cambodia which states that "all Khmer citizens shall have the duty to take part in the national reconstruction and to defend the homeland. The duty to defend the country shall be determined by law".

2. Law on the General Statutes for Military Personnel of the Royal Cambodian Armed Forces 1997 which provides that the Royal Cambodian Armed Forces have the duties to serve the country. RCAF's mission is to organize and use RCAF forces to defend and reconstruct the homeland, and to serve the best interest of the nation.

3. Law on the Punishment of Illegal Use of Weapons and Uniforms 1992.

4. Law on Compulsory Military Service 2006, which has an objective to determine procedures for implementation of the obligatory service in contribution to reconstructing the country and defending the homeland as stipulated in Article 49 of the Constitution. The military obligation is a necessary task of the citizens. It is a fundamental source for building forces for the national defence.

5. Sub-decree No. 200 ANK.BK of 24 November 2009 on Conditions and Procedures for Conducting Census, Recruitment, Invitation, and Delay for Youth under Ongoing Study and Citizens in Special Cases, and Implementation of the Law on Compulsory Military Service.

20. In addition to domestic instruments, the Kingdom of Cambodia has ratified the international conventions and treaties relating to the involvement of children in armed conflicts, such as:

(a) Convention No. 29 concerning Forced or Compulsory Labour (in 1970);

(b) Convention on the Rights of the Child (in 1992);

(c) Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (in 1992);

(d) International Covenant on Economic, Social and Cultural Rights (in 1992);

(e) International Covenant on Civil and Political Rights (in 1992);

(f) ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (in 2006);

(g) Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (in 2007).

III. Military recruitment

A. Recruitment to fulfil the military service

21. The Law on the General Statutes for Military Personnel of the Royal Cambodian Armed Forces sets out separated decision for the professional armed forces and contractual-service armed forces. Article 42 of this law states that recruitment of the professional military personnel shall be applied to: 1- those who are of Khmer nationality, with an exception when there is a war, 2-those who reach the age of 18 and, 3-those who have physical fitness as required to perform the function.

22. The Law on Compulsory Military Service was promulgated by Royal Decree No NS/RKM/1206/030 dated 22 December 2006. This law aims at building the armed forces for the national defence and the development of physical fitness as required by the nation. Every Khmer citizen of both sexes from ages 18 to 30 shall fulfil the military service as determined by Article 2 of this law. It is through nationalist education only that youth are motivated to serve the army. Generally there have been not many women serving the armed forces. A small number of women serving the army take part in the test to enter into the cadet framework.

23. Children's rights in Cambodia have been vigorously strengthened. Children below 18 year of age are not allowed to take part in the armed forces or directly engage in the war or be recruited as a soldier hired to serve in an army.

24. Article 48 of the Constitution provides that the State shall protect the rights of the child as stipulated in the Convention on the Rights of the Child, in particular the right to life, education, protection during armed conflict and protection from economic and sexual exploitation.

B. Documents for verifying the admissibility to serve military duty

25. Military service census registration is developed based on the following documents:

- Family book or residential book;
- Identity card of Khmer nationality;
- Birth certificate;
- Other documents that certify the Khmer nationality.

26. The person shall go to register his or her name on his or her own or his or her parent or guardian does so on his or her behalf. Military service census registration is carried out for every citizen.

C. Recruitment of professional military personnel and the military contractual-service

27. There are two kinds of soldiers: professional and contractual soldiers. The first kind is a full-time employed soldier; the second kind is a soldier who serves in the army rank in accordance with conditions set in a contract. A person who is entitled to be recruited as a contractual soldier must be a Khmer national aged 18 or above and must have the ability, firm physical fitness and consciousness to perform the duty. The contract of this second kind of military personnel may be renewed on a voluntary basis after the military service contract expires.

D. Birth registration

28. The birth certificate serves as hard evidence that confirms the real age of a person and entitles that person to the rights and obligations. The family book or identity card is a general means to verify the age of the concerned person. It is very rare that a Khmer citizen does not possess one of these documents. When it is not clear with regard to the age, the medical expert or local authority officer will be invited to clarify.

29. The Royal Government of Cambodia issued the Sub-Decree No. 103 on Civil Registration and other relevant directives in order to improve the process of birth registration. For example, Article 25 of the Sub-Decree No. 17 dated 14 June 2004 provided an easy way for a 30-day birth registration of children whose birth registration was not made after birth. The Civil Code which obligated birth registration was approved by the National Assembly in 2007. The Ministry of Interior has promoted the dissemination of the civil registration on radio and television broadcasts to increase the awareness and effective implementation of civil registration work. At the same time, a reporting system was established at capital/district/Khan level to record the statistics of the population and the result of civil registration every three months, six months and one year. Of the total population of 13,395,682 nationwide 12,781,592 have been registered, of which 868,643 people had their birth certificates and 11,912,949 people had their birth certifying documents made starting from 2002 to 2008. In 2009, in total 98,722 birth certificates and 195,911 birth certifying documents were issued. From January to October 2010, a total of 71,534 birth certificates and 160,247 birth certifying documents were issued. From 2002 to 2010 the number of people having their birth registered and certified is as below:[3]

Birth Registration and Birth Certifying Nationwide

Year	*Total*	*Birth Certificates*	*Birth Certifying Documents*	*Remarks*
2002	342,753	33,340	309,413	Birth certificates were issued for those children who had their birth registered within one month from birth. Birth certifying documents were issued for those who had their birth registered after one month from birth.
2003	183,390	11,414	171,976	
From January to August, 2004	8,067,033	347,653	7,719,380	
From October 2004 to August, 2005	2,714,248	248,768	2,465,480	
From September, 2005 to August, 2006	326,098	65,114	260,984	
From January to December, 2007	148,261	59,077	89,184	
From January to December, 2008	805,123	92,958	712,165	
From January to December, 2009	294,633	98,722	195,911	
From January to December, 2010	301,611	95,316	206,295	
Total	**13,183,150**	**1,052,362**	**12,130,788**	

[3] Civil Registration Report, Bureau of Statistics and Civil Registration, Ministry of Interior, October 2010.

E. Medical examination

30. In principal for the army recruitment, the Ministry of National Defense requires a person who has applied to serve in the army rank to attach the physical fitness examination certificate issued by the state-run health centre.

31. In the Kingdom of Cambodia, the law does not require a person below 18 year of age to serve military obligation whether the country is at war or at peace.

32. The minimum age admissible to study at the military professional training school is 18.

33. Training establishments that are operated by or under the management of the armed forces are as below:

Military Professional Training Establishment	*Police Professional Training Establishment*
University of National Defence	Cambodia Police Academy
Institute of Army	National Police School
Military Medical School	Police Training Schools: Region 1, Region 2, Region 3, Region 4 and Region 5
School for active Military Officials	
Multi-technical Decho Hun Sen Institute	
Military Police School	

34. The training in the above mentioned training establishments is provided for majors only. The curriculum of these training establishments includes human rights and humanitarian principles. School discipline is imposed in a manner that is compatible with human dignity and in accordance with the international conventions. The education in these establishments has the following objectives:

(a) Train in military specialist profession, laws and regulations related to the army and other specialities such as medicine and military scientific technological research, etc.;

(b) Develop personality, talents and physical and mental abilities of military students to their fullest potential for national defence;

(c) Develop ideas of military students regarding respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(d) Train military students so that they live responsibly in a free society, in the spirit of mutual understanding, peace, forgiveness, equality between sexes and friendship with all nations, ethnic groups, nationalities and religions and immigrants.

35. The Cambodian Human Rights Committee is an institution of the Royal Government of the Kingdom of Cambodia that has the role of oversight regarding violation of human rights and complaints if there are violations. The Sub-Decree on General Discipline for Royal Cambodian Armed Forces provides that military personnel in the training school or training centre must follow the internal regulation of that school or centre. Military personnel have the right to protest against the people who have imposed punishment upon them. Such complaint must be filed with their direct supervisor and forwarded hierarchically. If there is no response from their senior leader within 3 months

from the date the complaint is written down in the complaint book of their unit, the complainant can file a complaint with the inspectorate department along with their case files. After receiving the case files, the inspectorate department shall provide opinions to the Minister of National Defence for him to make a decision.

36. The Ministry of National Defence has considered the possibility of developing a military Code of Ethics in collaboration with the Ministry of Justice. A specialized commission was created to undertake this matter.

37. The Kingdom of Cambodia has taken a lot of measures to prevent child recruitment by the armed forces. These include:

(a) The Law on Compulsory Military Service that provides that only the persons from 18 to 30 year of age are legally required to fulfil military services, and that the contractual military personnel shall be recruited only when s/he is 18 years old;

(b) Forced evacuation of children from one group to another is set forth in the Criminal Code as genocide crimes punishable for life imprisonment;[4]

(c) The Law on Education 2007 and other programmes to ensures that all citizens have access to compulsory 9-year education at least free of charge at the public school;

(d) Ratification of international treaties such as the Convention on the Rights of the Child, the Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict, ILO Conventions No. 138 and No. 182, and the Rome Statute of the International Criminal Court;

(e) The requirement imposed on parents or guardians to have their children's birth registered as an obligation for age verification when a person is required to serve military obligation;

(f) Awareness raising and training on the Optional Protocol and major international treaties on human rights and humanitarian laws and so on for 35 military personnel and other relevant professionals in September 2006 in cooperation and collaboration with development partners such as UNICEF, the United Nations High Commissioner for Human Rights, the United Nations Institute for Training and Research, and the International Committee of the Red Cross.

38. No child has been recruited to serve any armed forces since the Kingdom of Cambodia ratified this Optional Protocol.

39. Civilians including children, hospitals and schools are fully protected. Military personnel are prohibited from destroying or looting people's property, abducting people in exchange for a profit, using violence against people when occupying the fighting area, imposing punishment on a person without the court's judgement, causing physical abuse against any person, and particularly they are prohibited from violating the law of war as stipulated in the international treaties signed by the Kingdom of Cambodia.[5] According to article 193 and article 195 of Penal Code 2009, the sentence to life imprisonment is imposed on the following acts considered as war crimes: extensive destruction or appropriation of property not justified by military necessity and carried out unlawfully and arbitrarily as well as taking civilians as hostages.

[4] Criminal Code, Article 183 and 184.

[5] Articles 10 and 13 of Sub-decree on General Disciplines for the Royal Cambodian Armed Forces.

40. Besides these, any of the following acts constitute war crimes when such acts are committed during occasion of international or non-international armed conflicts:[6]

(a) Use of poisoned weapons or weapons designed to inflict unnecessary sufferings;

(b) Intentional attack or bombardment by whatever means against towns, villages, dwellings or buildings which are undefended and which are not military objectives;

(c) Intentional attack against human beings or materials used for humanitarian missions according to the Charter of the United Nations;

(d) Intentional infliction of starvation of civilians by depriving them of objects indispensable to their survival;

(e) Utilizing the presence of civilians to avoid military operations, to "shield" certain buildings, some areas of territory or some armed forces;

(f) Intentional destruction or damage to buildings dedicated to religious, charitable, education, art and science purposes, historic monuments, artistic works or scientific works;

(g) Widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct military advantage anticipated;

(h) Looting of public or personal properties.

41. To ensure public safety and prevent disaster that takes people's lives or destroys people's properties, the Minister of Interior or the Minister of National Defence can order the temporary evacuation of the public from their residence or from areas where a danger is learned.

42. The CNCC is an assistant to the Royal Government in the consultation and coordination of activities related to children, the monitoring and evaluation of the implementation of the CRC and other international instruments relative to children, the development of policy, plans, national programmes and other activities, and the proposal of requests concerning the needs and issues related to the best interests of children. The CNCC liaises with national and international partners for exchanging ideas, lessons learnt and perspectives related to the common goal of improving the situation of children. The CNCC has a Secretariat comprising of three units: the Child Protection and Monitoring Unit; the Administration, Planning and Finance Unit; and the Education, Dissemination and Human Resources Development Unit. The CNCC has four Sub-Committees, capital and provincial subsidiaries, and ministry/institution working groups in fulfilling their functions and coordinating CRC implementation. The CNCC Secretariat is based at the Ministry of Social Affairs, Veteran and Youth Rehabilitation (MoSVY) and is financed by the MoSVY budget and development partners such as UNICEF, ILO/IPEC, Save the Children and other organizations that occasionally implement their relevant programmes such as the NGO Committee for Children's Rights, ECPAT, Cambodia Acts, UNIAP, Intervida, Every Child, Child Fund and KHANA.

43. In addition to the curriculum on the rights of the child, education about peace has been incorporated into the subjects of Khmer literature and civil morals in high schools. Every year the Youth Department of the Ministry of Education, Youth and Sports provides

[6] Article 194 of Criminal Code.

training on the Convention on the Rights of the Child to school directors, deputy directors, male and female teachers and children who are members of the council of children at primary schools and junior high schools throughout 24 capital/provinces. Those children were questioned in the contest about the rights of the child in order to assess their understanding and prizes were given to the winners. A number of NGOs has disseminated the rights of the child to people in the communities, local authorities and school children through showing video, leaflets, posters and booklets that contain pictures and short explanations which are easy to understand.

44. On data collection, we generally follow the Statistics Law which governs all matters related to collection, processing, compilation, analysis, publication and dissemination of statistical data in the whole of Cambodia. According to the Article 11 of this law, the National Institute of Statistics (NIS) of the Ministry of Planning is responsible for these tasks. So far, NIS has developed the CAMInfo based on DevInfo. The CAMInfo has included data concerning the implementation of the CRC, the Cambodia Millennium Development Goal, World Fit for Children (WFFC), and other global, regional and national goals. These data were updated two times a year by the NIS.

45. In 2006, MoSVY created a Child Protection Management Information System (CP-MIS) in order to collect information from all institutions and organizations that work in the area of child protection. This system helps us to understand the kinds of clients those institutions and organizations work with and the kinds of services they provide as well as to know locations where specific data can be searched to share with one another, especially to direct easy communication regarding child protection with institutions or organizations, if so required.

46. At present this information has been used by the Inter-disciplinary Working Group on Orphans and Vulnerable Children in collaboration with the NGO Sharing Experience for Adapted Development (SEAD) to extract data from the CP-MIS and MoSVY directories into a Directory of Social Services for Vulnerable People recognized by the King and the Minister of Social Affairs, Veteran Affairs and Youth Rehabilitation. According to this Directory there are 280 NGOs working in 905 places, 2 partner networks, 85 state-run Hospitals and 220 Health Centers.

47. Besides the achievements stated above there is not yet an extensive evaluation to measure the results of the implementation of this Optional Protocol.

IV. Prohibition and related matters (arts. 1, 2 and 4 (1 and 2))

48. There is no definition of "direct involvement" and "forced recruitment" as well as offences prescribed in article 4 of the Optional Protocol contained in the existing laws and regulations of the Kingdom of Cambodia. There has been no deployment of soldiers aged below 18 in any area in the Kingdom of Cambodia since the internal conflict ended.

49. In 2004, the Cambodian Legislature adopted a law to establish a court to investigate crimes committed during the period of the Khmer Rouge regime 1975–1979 during which the Khmer Rouge leaders used children aged below 18 as their tools to commit other crimes for which the nation demanded that they be prosecuted by a competent court.[7] This court is called the Extraordinary Chambers in the Courts of Cambodia.

50. The act of forcing prisoners of war or civilians to serve the armed forces of the enemy is a war crime punishable with life imprisonment and other additional penalties. As

[7] In accordance with the 1956 Penal Code.

for legal persons, in addition to one or more additional penalty or penalties, they shall be fined from 50 million Riels to 500 million Riels. According to Article 29 of the Penal Code, the accomplice of felony or misdemeanor receives the same punishments as the perpetrator.

51. In order to implement the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Kingdom of Cambodia has adopted the laws and regulations as indicated in items 1 to 5, paragraph 1, and the 5 points of paragraph 19 of this report.

52. Besides being a state party to the Convention on the Rights of the Child, the Kingdom of Cambodia is moreover a state party to the following treaties:

(a) Protocols I and II additional to the Geneva Conventions of 1949 (ratified in 1998);

(b) Rome Statute of the International Criminal Court (ratified in 2002);

(c) ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour 1999 (ratified in 2006).

53. The Kingdom of Cambodia has no private army. A legal entity such as a security company and so on shall be responsible for the acts and activities set out in the Optional Protocol. Article 42 of the 2009 Penal Code states that "In case it is precisely provided for by a law and legal instruments, legal entities, to the exclusion of the State, may be declared as being criminally responsible for the offences committed, for their interest, by their organs or their representatives. The criminal responsibility of the legal entity does not exclude the criminal responsibility of the natural person for the same acts." Through Prakas No. 3557 Pr.K dated 06 November 2007 on the Control of Private Security Forces, the Royal Government authorized the establishment of private security company for business purposes and private establishments that established and used their own security force for non-business purposes. Private security forces are under the control of the Group on the Control of Activities of Private Security Service Companies. Children below 18 years of age are not authorized to serve the private security force.

54. The extradition of persons accused of having committed offences concerning the involvement of children in armed conflict determined in the Optional Protocol and other crimes, shall comply with provisions of the Criminal Procedures Code concerning the extradition. Extradition of a foreigner arrested in the territory of the Kingdom of Cambodia shall be governed by provisions of international treaties and conventions ratified by the Kingdom of Cambodia. In the absence of an international treaty or convention ratified by the Kingdom of Cambodia, provisions of the Chapter on Extradition must be applicable, except as otherwise provided for in special provisions of other laws. Extradition can be carried out as long as the acts of which the wanted persons are accused are offences prescribed in the laws of the requesting state as well as in Cambodian laws. All extradition applications must be submitted to the Royal Government of Cambodia through diplomatic means. The Minister of Cambodia's Ministry of Foreign Affairs and International Cooperation will forward the extradition application and letters of proof to the Minister of Justice. The Minister of Justice will verify the regularity of the application and forward such application to the Prosecutor General attached to the Phnom Penh Appellate Court. The investigating chamber of the Phnom Penh Appellate Court is the only competent organ that considers the regularity of extradition application received by the Royal Government of Cambodia. The Kingdom of Cambodia has signed the extradition agreements with a number of countries, namely the Kingdom of Thailand, the People's Republic of China, the Lao People's Democratic Republic and the Republic of Korea. Up to now, no request has yet been lodged by any country to extradite persons who have committed offences as prescribed in the Optional Protocol to the Kingdom of Cambodia.

V. Protection, rehabilitation and reintegration (art. 6 (3))

55. The demobilization programme began in 1999 through a project entitled Demobilization and Reintegration of the Armed Forces. This project was aimed at returning demobilized soldiers to civil life successfully and contributing to the relocation of budget resources to be used in education, health, agriculture and rural development and so on. This project was funded by the World Bank, Sweden, the Netherlands, Japan, the World Food Programme and partial budget of the Royal Government of Cambodia. The Royal Government created a Council for Demobilization of Armed Forces (CDAF) which was responsible for the demobilization in the Kingdom of Cambodia. This council carried out a mission to initiate and accelerate the settlement of demobilization issues of the armed forces. There was no mention of demobilized soldiers as children aged below 18.

56. The entire demobilization program was implemented by the Royal Government with the participation of U. ICEF and other development partners to respond to the needs for child education, target: ig the children who are offspring and grandchildren of demobilized soldiers who had no opportunity in the past to study so that they would receive and further their education at the primary education level. UNICEF supported the Royal Government to launch this program in 2001 with a purpose to assist the destitute children so that they could receive timely education service.

57. Due to the lack of financial and human resources and due to the fact that demobilization was a new programme for the Kingdom of Cambodia, no legal, psychological trainings and other trainings were provided for the people who worked with demobilized soldiers.

58. Up to now, there has been no report about the commission of offences against provisions prohibited by this Optional Protocol. There has been no child demobilization programme of public and private sectors in the Kingdom of Cambodia.

VI. International assistance and cooperation (art. 7 (1))

59. The Kingdom of Cambodia has received international assistance and cooperation to implement this Optional Protocol under the form of weapons reduction from European Union Assistance on Curbing Small Arms and Light Weapons in Cambodia (EU-ASAC) and Japan Assistance Team for Small Arms Management in Cambodia (JSAC). UNICEF and the Cambodian Office of the United Nations High Commissioner for Human Rights have contributed to the dissemination of the Optional Protocol through publications and training. In 2006, at the initiative of the Ministry of National Defense and the United Nations Institute for Training and Research (UNITAR), a training on the Optional Protocol, among other themes relating to children's and women's needs in armed conflict, was organized for Cambodian demining teams that had to fulfill their peacekeeping mission abroad and a number of military trainers.

60. The Kingdom of Cambodia has had combats on the borders that resulted in hundred thousands of refugee families including women and children, and this has much affected their education, health, sanitation and living conditions. In such a situation the Cambodian Red Cross has provided huge assistance to victims such as shelters, foods, clean water and health care services.

61. The Kingdom of Cambodia has been cooperating closely with UNICEF and other organizations working for and/or with children. Measures to strengthen the international cooperation concerning the implementation of this Optional Protocol include the following:

(a) Allowing the United Nations agencies to take part in the process of consultation on the report,

(b) The implementation of the Convention on the Rights of the Child and the Optional Protocol as well as other relevant agreements in the regional and international framework.

62. The Kingdom of Cambodia is not a country where weapons are produced and traded. Article 53 of the Constitution states that "The Kingdom of Cambodia adopts a policy of permanent neutrality and non-aligned movement. The Kingdom of Cambodia follows a policy of peaceful co-existence with its neighbors and with all other countries throughout the world. The Kingdom of Cambodia shall not invade any country, nor interfere in any other country's internal affairs, directly or indirectly, and shall solve any problems peacefully with due respect for mutual interests. The Kingdom of Cambodia shall not permit any foreign military base on its territory and shall not have its own military base abroad, except within the framework of a United Nations request". However, the Kingdom of Cambodia reserves its rights to accept foreign assistance in materials, weapons, ammunition, armed forces training and all other kinds of assistance to protect itself and to maintain the public order and security. Therefore the Kingdom of Cambodia does not implement a policy of trading and exporting small arms and light weapons.

63. The Royal Cambodian Armed Forces have taken part in the United Nations peacekeeping mission in Africa in three major tasks: demining, engineering and observation. The Kingdom of Cambodia hosted a multi-national peace operation training exercise in 2010.

64. The reports of the Secretary-General submitted to the Security Council in accordance with resolution 1612 (2005) did not take note of the situation in the Kingdom of Cambodia.

VII. Other legal provisions (art. 5)

65. Provisions of the existing national laws and provisions of the international laws binding the Kingdom of Cambodia that are considered to be more conducive to those of the Optional Protocol include, but not limited to the following.

66. Article 48 of the Constitution provides for special protection for children during wartime and for children against any employment that is hazardous to their education opportunities, health or welfare. The Law on General Statutes for Military Personnel of the Royal Cambodian Armed Forces and the Law on Compulsory Military Service contain unconditional provisions that provide that professional military personnel, contractual-service military personnel and obligatory military personnel are recruited among the persons who reach the age of 18 and have physical fitness as needed to fulfil the function as stipulated in the Joint Prakas of the Ministry of National Defense and the Ministry of Health of August 2010 on the Physical Conditions and Health of Citizens under military obligation. Therefore, there is no exceptional case of reducing the age and physical conditions in order that children take part in armed conflict.

67. The Kingdom of Cambodia ratified the Protocol Additional to the Geneva Conventions of 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) in 1998. Article 77 of Protocol I provides that children shall be the object of special respect and shall be protected against any form of indecent assault. The parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason. Parties to the conflict shall take all types of appropriate measures to prevent children aged below 15 from taking part directly in

conflict, especially shall stop recruiting children to serve the armed forces. Article 78 states that "no party to the conflict shall arrange for the evacuation of children...to a foreign country", except for a temporary evacuation where compelling reasons of the health or medical treatment of the children or their safety so require. Where children have parents or legal guardians who can be found, the written consent of the parents or legal guardians on the evacuation is required.

68. The Kingdom of Cambodia ratified the Geneva Convention relative to the Protection of Civilian Persons in Time of War in 1958. Article 24 of this convention provides for necessary measures to ensure that children under 15, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances.

69. The Kingdom of Cambodia ratified the Protocol Additional to the Geneva Conventions of 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) in 1998. Having undergone the experiences of decades of war, the Kingdom of Cambodia has further strengthened the protection of victims, especially children, against non-international armed conflicts by strictly imposing the method of waging war.

70. In the international framework, in particular in the ASEAN framework, the Kingdom of Cambodia is committed to:

- Protect and enhance partnership for peace and prosperity in the world;
- Combat against international terrorism;
- Suppress trafficking in persons, in particular women and children;
- Eliminate the acts of violence against women in ASEAN.

VIII. Conclusion

71. Although the Kingdom of Cambodia has recently had border conflicts with Thailand, not a single Cambodian child is involved in this armed conflict. The Kingdom of Cambodia has been and continues to be interested in providing services to refugees, especially to child refugees, through the protection of their safety, urgent assistance, temporary shelters, and to ensure that children living in the areas invaded by the Royal Thai Armed Forces have the opportunity to education and healthcare services like children in other areas in the country.

Annex

The Law on Compulsory Military Service 2006

The Law on General Statutes for Military Personnel of the Royal Cambodian Armed Forces 1997

The Sub-Decree on General Disciplines for the Royal Cambodian Armed Forces 2002

The Sub-decree on Conditions and Procedures for Conducting Census, Recruitment, Invitation, Delay for Youth doing Study and Citizens of Special Case and Implementation of the Law on Compulsory Military Service 2009.

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Report on the implementation of resolution 2009/26 of the Economic and Social Council on supporting the national and international efforts for child justice reform 2010

Second and Third Report of Cambodia on the Implementation of the Convention on the Rights of the Child 2000 to 2007

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Result of consultation meeting on the presentation on the United Nations new guidelines for reporting on the implementation of the Optional Protocols to the CRC, 11 August, 2010

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